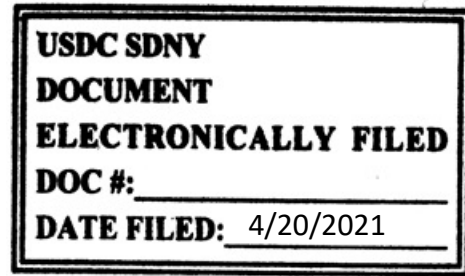


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



NESPRESSO USA, INC.,

Plaintiff,

ORDER

-against-

1:19-cv-4223 (LAP) (KHP)

WILLIAMS-SONOMA, INC.,

Defendant.

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KATHARINE H. PARKER, UNITED STATES MAGISTRATE JUDGE

Consistent with the case management conference held today in the above-captioned matter, the parties are directed as follows:

Scheduling:

The Court hereby adopts the parties' proposed discovery scheduled filed at ECF No. 188-1. Accordingly, fact discovery and fact depositions in this case must be completed by June 10, 2021. Expert discovery and expert depositions must be completed by September 3, 2021. The parties are directed to the chart at ECF No. 188-1 for all the other interim deadlines adopted by the Court.

Requests for Admission:

Nespresso has objected to numerous requests for admission recently proffered by Williams-Sonoma. The parties dispute whether the requests are proper under Federal Rule of Civil Procedure 36, whether they are proportional to the needs of this case, and whether they would serve to meaningfully narrow the issues in this case for trial. As noted on the record at today's conference, the Court reserves judgment on most of these requests. However, the

parties are ordered to meet and confer on those requests for admission that pertain to third-party uses of the asserted capsule trade dress. At this stage of the litigation Nespresso should be able to determine which third-party capsules it views as infringing on its asserted trade dress. Further, the parties should collectively consider whether these third-party capsules can be grouped into subcategories that will consolidate disputes for trial in an organized way.

Settlement Submissions:

A settlement conference before the Court is scheduled to take place in this case on April 30, 2021. The parties have represented that Nespresso may need additional time to serve a formal demand on Williams-Sonoma and that, consequently, Williams-Sonoma may need additional time to respond. Accordingly, the Court will extend the deadline for the parties to submit final, updated pre-conference submissions until April 28, 2021.

SO ORDERED.

Dated: April 20, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge